

109TH CONGRESS
1ST SESSION

H. R. 1288

To restore Second Amendment rights in the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2005

Mr. SOUDER (for himself, Mr. ROSS, Mr. WICKER, Mr. KING of Iowa, Mr. GINGREY, Mr. SESSIONS, Mr. DINGELL, Mr. KENNEDY of Minnesota, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. SALAZAR, Mr. BEAUPREZ, Mr. BOOZMAN, Mr. GRAVES, Mr. CRAMER, Mr. AKIN, Mr. MATHESON, Mr. DENT, Mr. WESTMORELAND, Mr. BUYER, and Mr. HOSTETTLER) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To restore Second Amendment rights in the District of
Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Personal Protection Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

1 (1) The Second Amendment to the United
2 States Constitution provides that the right of the
3 people to keep and bear arms shall not be infringed.

4 (2) The Second Amendment to the United
5 States Constitution protects the rights of individ-
6 uals, including those who are not members of a mili-
7 tia or engaged in military service or training, to
8 keep and bear arms.

9 (3) The law-abiding citizens of the District of
10 Columbia are deprived by local laws of handguns, ri-
11 fles, and shotguns that are commonly kept by law-
12 abiding persons throughout the United States for
13 sporting use and for lawful defense of their persons,
14 homes, businesses, and families.

15 (4) The District of Columbia has the highest
16 per capita murder rate in the Nation, which may be
17 attributed in part to local laws prohibiting posses-
18 sion of firearms by law-abiding persons who would
19 otherwise be able to defend themselves and their
20 loved ones in their own homes and businesses.

21 (5) The Federal Gun Control Act of 1968, as
22 amended by the Firearms Owners' Protection Act of
23 1986, and the Brady Handgun Violence Prevention
24 Act of 1993, provide comprehensive Federal regula-
25 tions applicable in the District of Columbia as else-

1 where. In addition, existing District of Columbia
2 criminal laws punish possession and illegal use of
3 firearms by violent criminals and felons. Con-
4 sequently, there is no need for local laws which only
5 affect and disarm law-abiding citizens.

6 (6) Legislation is required to correct the Dis-
7 trict of Columbia's law in order to restore the funda-
8 mental rights of its citizens under the Second
9 Amendment to the United States Constitution and
10 thereby enhance public safety.

11 **SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT**
12 **FIREARMS.**

13 Section 4 of the Act entitled "An Act to prohibit the
14 killing of wild birds and wild animals in the District of
15 Columbia", approved June 30, 1906 (34 Stat. 809; sec.
16 1—303.43, D.C. Official Code) is amended by adding at
17 the end the following: "Nothing in this section or any
18 other provision of law shall authorize, or shall be con-
19 strued to permit, the Council, the Mayor, or any govern-
20 mental or regulatory authority of the District of Columbia
21 to prohibit, constructively prohibit, or unduly burden the
22 ability of persons not prohibited from possessing firearms
23 under Federal law from acquiring, possessing in their
24 homes or businesses, or using for sporting, self-protection
25 or other lawful purposes, any firearm neither prohibited

1 by Federal law nor subject to the National Firearms Act.
 2 The District of Columbia shall not have authority to enact
 3 laws or regulations that discourage or eliminate the pri-
 4 vate ownership or use of firearms.”.

5 **SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.**

6 (a) IN GENERAL.—Section 101(10) of the Firearms
 7 Control Regulations Act of 1975 (sec. 7—2501.01(10),
 8 D.C. Official Code) is amended to read as follows:

9 “(10) ‘Machine gun’ means any firearm which
 10 shoots, is designed to shoot, or can be readily con-
 11 verted or restored to shoot automatically, more than
 12 1 shot by a single function of the trigger, and in-
 13 cludes the frame or receiver of any such weapon, any
 14 part designed and intended solely and exclusively, or
 15 combination of parts designed and intended, for use
 16 in converting a weapon into a machine gun, and any
 17 combination of parts from which a machine gun can
 18 be assembled if such parts are in the possession or
 19 under the control of a person.”.

20 (b) CONFORMING AMENDMENT TO PROVISIONS SET-
 21 TING FORTH CRIMINAL PENALTIES.—Section 1(c) of the
 22 Act of July 8, 1932 (47 Stat. 651; sec. 22—4501(c), D.C.
 23 Official Code) is amended to read as follows:

1 “(c) ‘Machine gun’, as used in this Act, has the
 2 meaning given such term in section 101(10) of the Fire-
 3 arms Control Regulations Act of 1975.”.

4 **SEC. 5. REPEAL REGISTRATION REQUIREMENT.**

5 (a) REPEAL OF REQUIREMENT.—

6 (1) IN GENERAL.—Section 201(a) of the Fire-
 7 arms Control Regulations Act of 1975 (sec. 7—
 8 2502.01(a), D.C. Official Code) is amended by strik-
 9 ing “any firearm, unless” and all that follows
 10 through paragraph (3) and inserting the following:
 11 “any firearm described in subsection (c).”.

12 (2) DESCRIPTION OF FIREARMS REMAINING IL-
 13 LEGAL.—Section 201 of such Act (sec. 7—2502.01,
 14 D.C. Official Code) is amended by adding at the end
 15 the following new subsection:

16 “(c) A firearm described in this subsection is any of
 17 the following:

18 “(1) A sawed-off shotgun.

19 “(2) A machine gun.

20 “(3) A short-barreled rifle.”.

21 (3) CONFORMING AMENDMENT.—The heading
 22 of section 201 of such Act (sec. 7—2502.01, D.C.
 23 Official Code) is amended by striking “Registration
 24 requirements” and inserting “Firearm Possession”.

1 (b) CONFORMING AMENDMENTS TO FIREARMS CON-
2 TROL REGULATIONS ACT.—The Firearms Control Regu-
3 lations Act of 1975 is amended as follows:

4 (1) Sections 202 through 211 (secs. 7—
5 2502.02 through 7—2502.11, D.C. Official Code)
6 are repealed.

7 (2) Section 101 (sec. 7—2501.01, D.C. Official
8 Code) is amended by striking paragraph (13).

9 (3) Section 401 (sec. 7—2504.01, D.C. Official
10 Code) is amended—

11 (A) in subsection (a), by striking “the Dis-
12 trict;” and all that follows and inserting the fol-
13 lowing: “the District, except that a person may
14 engage in hand loading, reloading, or custom
15 loading of ammunition for firearms lawfully
16 possessed under this Act.”; and

17 (B) in subsection (b), by striking “which
18 are unregistrable under section 202” and in-
19 serting “which are prohibited under section
20 201”.

21 (4) Section 402 (sec. 7—2504.02, D.C. Official
22 Code) is amended—

23 (A) in subsection (a), by striking “Any
24 person eligible to register a firearm” and all
25 that follows through “such business,” and in-

1 serting the following: “Any person not other-
2 wise prohibited from possessing or receiving a
3 firearm under Federal of District law, or from
4 being licensed under section 923 of title 18,
5 United States Code,”; and

6 (B) in subsection (b), by amending para-
7 graph (1) to read as follows:

8 “(1) The applicant’s name;”.

9 (5) Section 403(b) (sec. 7—2504.03(b), D.C.
10 Official Code) is amended by striking “registration
11 certificate” and inserting “dealer’s license”.

12 (6) Section 404(a)(3) (sec. 7—2504.04(a)(3)),
13 D.C. Official Code) is amended—

14 (A) in subparagraph (B)(i), by striking
15 “registration certificate number (if any) of the
16 firearm,”;

17 (B) in subparagraph (B)(iv), by striking
18 “holding the registration certificate” and insert-
19 ing “from whom it was received for repair”;

20 (C) in subparagraph (C)(i), by striking
21 “and registration certificate number (if any) of
22 the firearm”;

23 (D) in subparagraph (C)(ii), by striking
24 “registration certificate number or”;

1 (E) in subparagraph (D)(ii), by striking
2 “or registration number”; and

3 (F) in subparagraph (E), by striking
4 clause (iii) and redesignating clauses (iv) and
5 (v) as clauses (iii) and (iv).

6 (7) Section 406(c) (sec. 7—2504.06(c), D.C.
7 Official Code) is amended to read as follows:

8 “(c) Within 45 days of a decision becoming effective
9 which is unfavorable to a licensee or to an applicant for
10 a dealer’s license, the licensee or application shall—

11 “(1) lawfully remove from the District all de-
12 structive devices in his inventory, or peaceably sur-
13 render to the Chief all destructive devices in his in-
14 ventory in the manner provided in section 705; and

15 “(2) lawfully dispose, to himself or to another,
16 any firearms and ammunition in his inventory.”.

17 (8) Section 407(b) (sec. 7—2504.07(b), D.C.
18 Official Code) is amended by striking “would not be
19 eligible” and all that follows and inserting “is pro-
20 hibited from possessing or receiving a firearm under
21 Federal or District law.”.

22 (9) Section 502 (sec. 7—2505.02, D.C. Official
23 Code) is amended—

24 (A) by amending subsection (a) to read as
25 follows:

1 “(a) Any person or organization not prohibited from
2 possessing or receiving a firearm under Federal or District
3 law may sell or otherwise transfer ammunition or any fire-
4 arm, except those which are prohibited under section 201,
5 to a licensed dealer.”;

6 (B) by amending subsection (c) to read as
7 follows:

8 “(c) Any licensed dealer may sell or otherwise trans-
9 fer a firearm to any person or organization not otherwise
10 prohibited from possessing or receiving such firearm under
11 Federal or District law.”;

12 (C) in subsection (d), by striking para-
13 graphs (2) and (3); and

14 (D) by striking subsection (e).

15 (10) Section 704 (sec. 7—2507.04, D.C. Offi-
16 cial Code) is amended—

17 (A) in subsection (a), by striking “any reg-
18 istration certificate or” and inserting “a”; and

19 (B) in subsection (b), by striking “reg-
20 istration certificate,”.

21 (c) OTHER CONFORMING AMENDMENTS.—Section
22 2(4) of the Illegal Firearm Sale and Distribution Strict
23 Liability Act of 1992 (sec. 7—2531.01(2)(4), D.C. Offi-
24 cial Code) is amended—

1 (1) in subparagraph (A), by striking “or ignor-
2 ing proof of the purchaser’s residence in the District
3 of Columbia”; and

4 (2) in subparagraph (B), by striking “registra-
5 tion and”.

6 **SEC. 6. REPEAL HANDGUN AMMUNITION BAN.**

7 (a) DEFINITION OF RESTRICTED PISTOL BULLET.—
8 Section 101(13a) of the Firearms Control Regulations Act
9 of 1975 (sec. 7—2501.01(13a)) is amended to read as fol-
10 lows:

11 “(13a)(A) ‘Restricted pistol bullet’ means—

12 “(i) a projectile or projectile core which
13 may be used in a handgun and which is con-
14 structed entirely (excluding the presence of
15 traces of other substances) from one or a com-
16 bination of tungsten alloys, steel, iron, brass,
17 bronze, beryllium copper, or depleted uranium;
18 or

19 “(ii) a full-jacketed projectile larger than
20 .22 caliber designed and intended for use in a
21 handgun and whose jacket has a weight of more
22 than 25 percent of the total weight of the pro-
23 jectile.

24 “(B) The term ‘restricted pistol bullet’ does not
25 include shotgun shot required by Federal or State

1 environmental or game regulations for hunting pur-
2 poses, a frangible projectile designed for target
3 shooting, a projectile which the Attorney General of
4 the United States (pursuant to section 921(a)(17) of
5 title 18, United States Code) finds is primarily in-
6 tended to be used for sporting purposes, or any
7 other projectile or projectile core which the Attorney
8 General finds is intended to be used for industrial
9 purposes, including a charge used in an oil and gas
10 well perforating device.”.

11 (b) REPEAL OF BAN.—Section 601 of the Firearms
12 Control Regulations Act of 1975 (sec. 7—2506.01, D.C.
13 Official Code) is amended—

14 (1) by striking “ammunition” each place it ap-
15 pears (other than paragraph (4)) and inserting “re-
16 stricted pistol bullets”; and

17 (2) by striking paragraph (3) and redesignating
18 paragraph (4) as paragraph (3).

19 **SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.**

20 Section 702 of the Firearms Control Regulations Act
21 of 1975 (sec. 7—2507.02, D.C. Official Code) is repealed.

1 **SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION**
2 **OF UNREGISTERED FIREARMS.**

3 (a) IN GENERAL.—Section 706 of the Firearms Con-
4 trol Regulations Act of 1975 (sec. 7—2507.06, D.C. Offi-
5 cial Code) is amended—

6 (1) by striking “that:” and all that follows
7 through “(1) A” and inserting “that a”; and

8 (2) by striking paragraph (2).

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply with respect to violations occur-
11 ring after the 60-day period which begins on the date of
12 the enactment of this Act.

13 **SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A**
14 **FIREARM IN ONE’S DWELLING OR OTHER**
15 **PREMISES.**

16 (a) IN GENERAL.—Section 4(a) of the Act of July
17 8, 1932 (47 Stat. 651; sec. 22—4504(a), D.C. Official
18 Code) is amended—

19 (1) in the matter before paragraph (1), by
20 striking “a pistol,” and inserting the following: “ex-
21 cept in his dwelling house or place of business or on
22 other land possessed by that person, whether loaded
23 or unloaded, a firearm,”; and

24 (2) by striking “except that:” and all that fol-
25 lows through “(2) If the violation” and inserting
26 “except that if the violation”.

1 (b) TREATMENT OF CERTAIN EXCEPTIONS.—Section
2 5(a) of such Act (47 Stat. 651; sec. 22—4505(a), D.C.
3 Official Code) is amended—

4 (1) by striking “pistol” each place it appears
5 and inserting “firearm”; and

6 (2) by striking the period at the end and insert-
7 ing the following: “, or to any person while carrying
8 or transporting a firearm used in connection with an
9 organized military activity, a target shoot, formal or
10 informal target practice, sport shooting event, hunt-
11 ing, a firearms or hunter safety class, trapping, or
12 a dog obedience training class or show, or the mov-
13 ing by a bona fide gun collector of part or all of the
14 collector’s gun collection from place to place for pub-
15 lic or private exhibition while the person is engaged
16 in, on the way to, or returning from that activity if
17 each firearm is unloaded and carried in an enclosed
18 case or an enclosed holster, or to any person car-
19 rying or transporting a firearm in compliance with
20 sections 926A, 926B or 926C of title 18, United
21 States Code.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to violations occurring

1 after the 60-day period which begins on the date of the
2 enactment of this Act.

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